

Message Text

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FM SECSTATE WASHDC
TO AMEMBASSY SANA IMMEDIATE

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FOR THE AMBASSADOR

E.O. 11652: N/A

TAGS: SHUM, YE, US

SUBJECT: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORTS

REF: STATE 18330

1. FINAL TEXT OF HUMAN RIGHTS FOR YEMEN, WHICH WILL BE
SUBMITTED TO CONGRESS BY JANUARY 31, IS TRANSMITTED HERE-
WITH. YOU SHOULD, AT YOUR DISCRETION, PROVIDE TEXT OF
REPORT TO APPROPRIATE HOST GOVERNMENT OFFICIALS, PRIOR TO
THAT DATE.

2. IN PROVIDING ADVANCE COPY TO HOST GOVERNMENT, YOU
SHOULD MAKE THE FOLLOWING POINTS IN EXPLANATION:

-- THE EFFECT OF LEGISLATION WHICH BECAME EFFECTIVE LAST
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YEAR IS TO REQUIRE THE SECRETARY TO SUBMIT A "FULL AND
COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY-RECOG-
NIZED HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES EITHER
DEVELOPMENT OR SECURITY ASSISTANCE FROM THE UNITED STATES.

-- WE BROUGHT THIS LEGAL REQUIREMENT TO THE ATTENTION OF
THE YEMENI GOVERNMENT LAST NOVEMBER.

-- 109 SUCH HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE

CONGRESS O/A JANUARY 31. WE ARE PROVIDING THEREFORE AN
ADVANCE COPY OF THE REPORT ON YEMEN.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUB-
LISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE
INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE RE-
PORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION
TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC
RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE
ATTENTION IN THE PRESS.

3. BEGIN TEXT: THE YEMEN ARAB REPUBLIC IS ONE OF THE
POOREST AND MOST BACKWARD COUNTRIES IN THE NEAR EAST. IT
HAS NO OIL WEALTH AND FEW OTHER NATURAL RESOURCES. YEMEN
WAS ISOLATED FROM THE OUTSIDE WORLD BY THE THEOCRATIC
GOVERNMENT OF THE IMAM UNTIL THE REPUBLICAN REVOLUTION
OF 1962. THE REPUBLICAN GOVERNMENT HAS ONLY RECENTLY BE-
GUN TO FULFILL ITS RESPONSIBILITIES TOWARDS ITS CITIZENS.
SINCE 1962 THE GOVERNMENT'S EFFECTIVENESS HAS BEEN LIMITED
BY A LONG CIVIL WAR AND THE NEED TO EXTEND AND ESTABLISH
THE AUTHORITY OF THE STATE THROUGHOUT THE COUNTRY.
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PRESIDENT AL-HAMDI WAS ASSASSINATED IN OCTOBER 1977. HIS
SUCCESSOR, LT. COL. AL-GHASHMI, HAS PLEDGED TO CONTINUE
THE FOREIGN AND DOMESTIC POLICIES OF HIS PREDECESSOR.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING
FREEDOM FROM:

A. TORTURE

THERE IS LITTLE EVIDENCE THAT TORTURE, WHICH IS PROHIBITED
BY LAW, DOES OCCUR AND THAT WHICH MAY IS NOT CONDONED BY
THE GOVERNMENT. BECAUSE OF POORLY DEVELOPED GOVERNMENTAL
INSTITUTIONS AND PRIMITIVE SOCIAL AND PRISON CONDITIONS
IN REMOTE PARTS OF THE COUNTRY, THE GOVERNMENT IS NOT
ALWAYS ABLE TO EXERCISE COMPLETE CONTROL OVER PRISON OR
LOCAL OFFICIALS.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

ISLAMIC LAW SANCTIONS THE SEVERING OF THE HAND OF CONVICT-
ED THIEVES. SUCH PUNISHMENT IS NOT METED OUT TO FIRST OR

SECOND OFFENDERS. CAPITAL PUNISHMENT BY PUBLIC BEHEADING IS PROVIDED FOR BY LAW FOR MURDER AND SABOTAGE, BUT SOME OFFENSES PREVIOUSLY PUNISHABLE BY DEATH, SUCH AS ADULTERY, ARE NOW PUNISHABLE BY IMPRISONMENT ONLY. PRISONERS LIVE

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

WHILE YEMENIS ARE FREE TO EXPRESS THEIR POLITICAL VIEWS, THE GOVERNMENT DOES NOT TOLERATE MASS POLITICAL RALLIES, WHICH, IN ITS VIEW, ARE POTENTIAL THREATS TO THE STATE'S INTERNAL SECURITY.

THERE IS NO EVIDENCE OF RELIGIOUS INTOLERANCE. THE SMALL LIMITED OFFICIAL USE

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JEWISH COMMUNITY RESIDES IN REMOTE SECTIONS OF THE COUNTRY AND IS ACCEPTED BY THE SOCIETY. ITS MEMBERS ARE UNDER NO RESTRICTIONS AS TO MOVEMENT OR EMIGRATION. FOREIGN CHRISTIANS ARE ALSO ALLOWED TO WORSHIP FREELY AND CHRISTIAN MISSIONARIES ARE PERMITTED TO OPERATE HOSPITALS AND CLINICS. RELIGIOUS PROSELYTIZING IS FORBIDDEN BY LAW.

THERE ARE ACTIVE FUNCTIONING NON-GOVERNMENTAL LABOR UNIONS IN YEMEN.

WOMEN IN YEMEN CONTINUE TO LEAD A TRADITIONAL AND RESTRICTED EXISTENCE. GLIMMERINGS OF CHANGE IN THEIR OVERALL STATUS ARE BEGINNING TO APPEAR. WOMEN ATTEND SANA UNIVERSITY WITH MALE STUDENTS AND ARE INCREASINGLY EMPLOYED IN GOVERNMENT OFFICES. THE YEMEN GOVERNMENT IS PUBLICLY COMMITTED TO IMPROVING THE STATUS OF WOMEN.

THE YEMEN MEDIA ARE IN A RUDIMENTARY STAGE OF DEVELOPMENT. THEY ARE PREDOMINANTLY GOVERNMENT-OWNED AND USED TO COMMUNICATE GOVERNMENT POLICIES AND POSITIONS.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

YEMENIS ARE FREE TO TRAVEL WITHIN AND OUTSIDE THE COUNTRY AND TO EMIGRATE FREELY.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE OPPORTUNITIES FOR PARTICIPATION IN THE POLITICAL PROCESS ARE LIMITED. THE REPUBLIC IS HEADED BY A THREE-MAN COMMAND COUNCIL. THE CONSULTATIVE ASSEMBLY WAS DISSOLVED SHORTLY AFTER THE LATE PRESIDENT AL-HAMDI CAME TO POWER LIMITED OFFICIAL USE

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IN 1974. POLITICAL PARTIES ARE FORBIDDEN.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THERE HAVE BEEN NO REQUESTS BY INTERNATIONAL OR NON-

UNDER DIFFICULT CONDITIONS, BUT ARE NOT WANTONLY MISTREATED. PRISONERS INCARCERATED IN REMOTE AREAS, IN WHICH THE AUTHORITY OF THE STATE IS NOT YET FULLY ESTABLISHED, ARE STILL SOMETIMES SUBJECTED TO CRUEL OR DEGRADING TREATMENT, OFTEN A RESULT OF PRIMITIVE PRISON CONDITIONS RATHER THAN CONSCIOUS ACTIONS BY LOCAL OFFICIALS.

C. ARBITRARY ARREST OR IMPRISONMENT

THE YEMEN CONSTITUTION AND CENTRAL GOVERNMENT DIRECTIVES PROVIDE THAT AN ACCUSED MUST BE BROUGHT BEFORE A COURT WITHIN ONE WEEK OF ARREST AND TRIED WITHIN THREE MONTHS. DETAINEES ARE PERMITTED ACCESS TO FAMILY AND LAWYERS. THERE HAVE BEEN ISOLATED INSTANCES IN WHICH LOCAL AUTHORITIES HAVE, ON THEIR OWN INITIATIVE, ARRESTED AND DETAINED INDIVIDUALS FOR LENGTHY PERIODS OF TIME WITHOUT ADEQUATE GROUNDS OR ON THE BASIS OF HEARSAY OR CIRCUMSTANTIAL EVIDENCE.

D. DENIAL OF FAIR PUBLIC TRIAL

YEMENIS CAN OBTAIN FAIR PUBLIC TRIALS UNDER THE PROCEDURES PRESCRIBED BY ISLAMIC LAW. LAW COURTS IN YEMEN HAVE A LONG TRADITION OF FAIRNESS AND IMPARTIALITY. THE JUDGE, WHILE IMPARTIAL, PLAYS AN ACTIVIST ROLE IN QUESTIONING THE WITNESSES, SEEKING TO ESTABLISH THE GUILT OR INNOCENCE OF THE ACCUSED.

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E. INVASION OF THE HOME

SEARCH WARRANTS ARE NOT REQUIRED, BUT TRADITIONAL RESPECT FOR THE INTEGRITY OF THE HOME MINIMIZES SUCH GOVERNMENTAL INVASIONS.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF

SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND
EDUCATION

YEMEN GOVERNMENT POLICIES HAVE TENDED TO BE SUPPORTIVE
OF YEMENIS' BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE
AND EDUCATION. THE NEEDS OF INDIVIDUALS HAVE BEEN MET
LARGELY BY PRIVATE REMITTANCES FROM YEMENIS WORKING
ABROAD. RELYING LARGELY ON FOREIGN AID, THE GOVERNMENT
HAS RECENTLY UNVEILED A FIVE YEAR DEVELOPMENT PLAN WHICH
SEEKS TO ALLEVIATE THE PROBLEMS OF THE NATION'S POOR
THROUGH A VARIETY OF INFRASTRUCTURE, CAPITAL DEVELOPMENT,
TRAINING AND EDUCATION AND BASIC HUMAN NEEDS PROGRAMS.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

GOVERNMENTAL ORGANIZATIONS TO INVESTIGATE HUMAN RIGHTS
CONCERNS IN YEMEN. THE EXTENT OF YEMENI COOPERATION WITH
SUCH A REQUEST MIGHT DEPEND ON THE NATURE OF THE ORGANI-
ZATION AND YEMENI PERCEPTION OF ITS OBJECTIVES. END
TEXT. VANCE

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